

AIR FORCE DISCHARGE REVIEW BOARD HEARING RECORD

NAME OF SERVICE MEMBER (LAST, FIRST MIDDLE INITIAL) <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	GRADE A1C	AFSN/SSAN <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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TYPE GEN	PERSONAL APPEARANCE	X	RECORD REVIEW
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COUNSEL	NAME OF COUNSEL AND OR ORGANIZATION	ADDRESS AND OR ORGANIZATION OF COUNSEL				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%;">YES</td> <td style="width:50%;">No</td> </tr> <tr> <td></td> <td style="text-align: center;">X</td> </tr> </table>	YES	No		X		
YES	No					
	X					

MEMBER SITTING	VOTE OF THE BOARD				
	HON	GEN	UOTHC	OTHER	DENY
<div style="border: 1px solid black; height: 100%; width: 100%;"></div>					X
					X
					X
					X
					X

ISSUES A93.19 A92.21	INDEX NUMBER A67.10	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: left;">EXHIBITS SUBMITTED TO THE BOARD</th> </tr> </thead> <tbody> <tr> <td style="width:5%; text-align: center;">1</td> <td>ORDER APPOINTING THE BOARD</td> </tr> <tr> <td style="text-align: center;">2</td> <td>APPLICATION FOR REVIEW OF DISCHARGE</td> </tr> <tr> <td style="text-align: center;">3</td> <td>LETTER OF NOTIFICATION</td> </tr> <tr> <td style="text-align: center;">4</td> <td>BRIEF OF PERSONNEL FILE</td> </tr> <tr> <td></td> <td>COUNSEL'S RELEASE TO THE BOARD</td> </tr> <tr> <td></td> <td>ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE</td> </tr> <tr> <td></td> <td>TAPE RECORDING OF PERSONAL APPEARANCE HE</td> </tr> </tbody> </table>	EXHIBITS SUBMITTED TO THE BOARD		1	ORDER APPOINTING THE BOARD	2	APPLICATION FOR REVIEW OF DISCHARGE	3	LETTER OF NOTIFICATION	4	BRIEF OF PERSONNEL FILE		COUNSEL'S RELEASE TO THE BOARD		ADDITIONAL EXHIBITS SUBMITTED AT TIME OF PERSONAL APPEARANCE		TAPE RECORDING OF PERSONAL APPEARANCE HE
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HEARING DATE 17 Oct 2006	CASE NUMBER FD-2006-00004	
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APPLICANT'S ISSUE AND THE BOARD'S DECISIONAL RATIONALE ARE DISCUSSED ON THE ATTACHED AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

Case heard in Washington, D.C.

Advise applicant of the decision of the Board, the right to a personal appearance with/without counsel, and the right to submit an application to the AFBCMR

Names and votes will be made available to the applicant at the applicant's request.

SIGNATURE OF RECORDER	SIGNATURE OF BOARD PRESIDENT

INDORSEMENT		DATE: 10/23/2006
TO: SAF/MRBR 550 C STREET WEST, SUITE 40 RANDOLPH AFB, TX 78150-4742	FROM: SECRETARY OF THE AIR FORCE PERSONNEL COUNCIL AIR FORCE DISCHARGE REVIEW BOARD 1535 COMMAND DR, EE WING, 3RD FLOOR ANDREWS AFB, MD 20762-7002	

AIR FORCE DISCHARGE REVIEW BOARD DECISIONAL RATIONALE

GENERAL: The applicant appeals for upgrade of discharge to honorable.

The applicant was offered a personal appearance before the Discharge Review Board (DRB) but declined to exercise this right.

The attached brief contains available pertinent data on the applicant and the factors leading to the discharge.

FINDINGS: Upgrade of discharge is denied.

The Board finds that neither the evidence of record nor that provided by the applicant substantiates an inequity or impropriety that would justify a change of discharge.

ISSUE:

Issue 1. The applicant was discharged with an Under Honorable Conditions (General) discharge for minor disciplinary infractions. He admits that he made a bad choice while in the Air Force. The records indicated the applicant received three Letters of Reprimand, two Letters of Counseling, and a Letter of Admonishment for misconduct. The applicant was administratively disciplined with three Letters of Reprimand for public intoxication whereas he was insubordinate and dismissive to Shore Patrol NCOs, Security Forces NCOs, and the First Sergeant, being late for duty, and driving under the influence of alcohol. His misconduct was further documented with Letters of Counseling and Admonishment for being late for duty. The DRB opined that through these administrative actions, the applicant had ample opportunities to change his negative behavior. The Board concluded the misconduct was a significant departure from conduct expected of all military members. The characterization of the discharge received by the applicant was found to be appropriate.

Issue 2. The DRB was pleased to see that the applicant was doing well and has continued his education. However, no inequity or impropriety in his discharge was suggested or found in the course of the hearing. The Board concluded the misconduct of the applicant appropriately characterized his term of service.

Issue 3. The applicant cited his desire to receive the G.I. Bill benefits as justification for upgrade. The Board was sympathetic to the impact the loss of these benefits was having on the applicant, but this is not a matter of inequity or impropriety which would warrant an upgrade.

CONCLUSIONS: The Discharge Review Board concludes that the discharge was consistent with the procedural and substantive requirements of the discharge regulation and was within the discretion of the discharge authority and that the applicant was provided full administrative due process.

In view of the foregoing findings, the Board further concludes that there exists no legal or equitable basis for upgrade of discharge, thus the applicant's discharge should not be changed.

Attachment:
Examiner's Brief

DEPARTMENT OF THE AIR FORCE
 AIR FORCE DISCHARGE REVIEW BOARD
 ANDREWS AFB, MD

(Former A1C) (HGH A1C)

1. **MATTER UNDER REVIEW:** Appl rec'd a GEN Disch fr USAF Langley AFB, VA on 24 Mar 05 UP AFI 36-3208, para 5.49 (Misconduct - Minor Disciplinary Infractions). Appeals for Honorable Discharge.

2. **BACKGROUND:**

a. DOB: 29 May 81. Enlmt Age: 21 1/12. Disch Age: 23 9/12. Educ: HS DIPL. AFQT: N/A. A-55, E-65, G-62, M-68. PAFSC: 2E632 - Communications Cable & Antenna Systems Apprentice. DAS: 11 Aug 03.

b. Prior Sv: (1) AFRes 24 Jul 02 - 18 Nov 02 (3 months 25 days) (Inactive).

3. **SERVICE UNDER REVIEW:**

a. Enlisted as AB 19 Nov 02 for 6 yrs. Svd: 02 Yrs 04 Mo 06 Das, of which AMS is 02 Yrs 04 Mos 05 Days (excludes 1 day lost time).

b. Grade Status: A1C - 11 Jan 03

c. Time Lost: 30 Jan 05 - 31 Jan 05 (1 day).

d. Art 15's: None.

e. Additional: LOR/UIF/CR, 08 FEB 05 - Operating a vehicle under the influence of alcohol.

LOR/UIF, 24 AUG 04 - Late for duty.

CR, 13 AUG 04 - Pattern of misconduct.

LOR/UIF, 10 AUG 04 - Publicly intoxicated and stopped by civilian police. Insubordinate and dismissive to Shore Patrol SNCOs, Security Forces SNCOs, and First Sergeant.

LOA/UIF, 28 JUL 04 - Late for duty.

LOC/UIF, 22 JUL 04 - Late for duty.

LOC, 06 JAN 04 - Failed to report to duty at the appropriate time.

f. CM: None.

g. Record of SV: 19 Nov 02 - 15 Jul 04 Langley AFB 5 (HAF Dir)

h. Awards & Decs: AFAM, GWOTSM, AFTR, NDSM.

i. Stmt of Sv: TMS: (02) Yrs (08) Mos (00) Das
 TAMS: (02) Yrs (04) Mos (05) Das

To: Board for Correction of Military Records

This letter is to request upgrade of my General Discharge under Honorable Conditions to an Honorable Discharge and reinstatement of my Montgomery GI Bill.

On March 24th, 2005 I received a General Discharge under Honorable Conditions from the U.S. Air Force due to a DUI that I received on January 31st, 2005.

I know that I have made some really bad choices in the course of my life but that is what life is all about, decisions. I have also learned a very important lesson from all of my decisions. The lesson that I have learned is that of trust. You have to trust yourself and your own judgment, even if you are impaired. I think the decision that I made on the night that I received my DUI was not the decision that I should've made but it was a rational decision. I made the decision to not drive my vehicle. I shouldn't have taken my vehicle in the first place but at the time I wasn't planning on drinking at all. It just kind of happened that way. I didn't put anyone's lives in danger other than that of my own. I turned my car on because it was twenty degrees outside and I was freezing. I didn't drive anywhere but I did operate my vehicle while intoxicated. I now know that you can't do that and I have paid a heavy price for it.

Since I have been out of the Air Force I have completed Level II Substance Abuse Course (see attached document). I learned a lot from the class that I did not know before and I think that it will really aid me in the future. Since attending the alcohol class I now only social drink on occasions and never to get drunk. I am very active and outgoing and try to find fun in the more important aspects of life (school, work, and a steady - relationship). I have been attending Chipola College in Marianna, FL. since the beginning of the summer and I have recently been accepted into the Nursing Program at Chipola College in Marianna, FL. where I reside (see attached document). This is where I really need my Montgomery GI Bill. I have been informed by several affiliates that it is extremely difficult to be in the Nursing Program, hold a steady job, and keep up my GPA at the same time.

Please accept my apology for failure to comply with the expectations of the military as well as my family. I can only ask that you please carefully review my documents, trust that I have changed and learned my lesson, and consider my discharge for upgrade.

Sincerely,

FD 2006-00004



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS 1ST FIGHTER WING
LANGLEY AIR FORCE BASE VA

MAR 10 2005
9007 01 BAW

MEMORANDUM FOR A1C [redacted]

FROM: 1 CS/CC

SUBJECT: Notification Memorandum

1. I am recommending your discharge from the United States Air Force for minor disciplinary infractions. The authority for my recommendation is AFD 36-32, *Military Retirements and Separations*, and AFI 36-3208, *Administrative Separation of Airmen*, Chapter 5, Section H, Paragraph 5.49. If my recommendation is approved, your service will be characterized as under honorable conditions (General) and you will be ineligible for reenlistment in the Air Force.

2. My reasons for this action are:

a. An Unfavorable Information File (UIF) and Control Roster (CR) was established for you for a drunk driving incident. This is documented in a UIF Action, dated 18 Feb 05.

b. On or about 30 Jan 05, you drove drunk in Newport News, VA. For this incident, you received a Letter of Reprimand (LOR), dated 8 Feb 05.

c. A UIF was established for you for reporting late for duty. This is documented in a UIF Action, dated 24 Aug 04.

d. On or about 24 Aug 04, you reported late for duty. For this incident, you received a LOR, dated 24 Aug 04.

e. A UIF and CR was established for you for a pattern of misconduct in July and August. This is documented in a UIF Action, dated 13 Aug 04.

f. On or about 7 Aug 04, you were drunk and disorderly. For this incident, you received a LOR, dated 10 Aug 04.

g. On or about 28 Jul 04, you reported late for duty. For this incident, you received a Letter of Admonishment (LOA), dated 28 Jul 04.

h. On or about 22 Jul 4, you reported late for duty. For this incident, you received a Letter of Counseling (LOC), dated 22 Jul 04.

i. On or about 6 Jan 04, you failed to report to duty. For this incident, you received a LOC, dated 6 Jan 04.

3. Copies of the documents to support this recommendation are attached and will be forwarded to the separation authority. The separation authority will make the findings and

recommendations required under 10 U.S.C. 2005(g) regarding recoupment of education assistance funds, if applicable. The commander exercising special court-martial jurisdiction or a higher authority will decide whether you will be discharged or retained in the Air Force and, if you are discharged, how your service will be characterized. If you are discharged, you will be ineligible for reenlistment in the Air Force and any special pay, bonus, or education assistance funds may be subject to recoupment.

4. You have the right to consult counsel. Military legal counsel has been obtained to assist you. I have made an appointment for you to consult the Area Defense Counsel, 54 Willow Street, Bldg. 147, (757)764-5607 at 1030 hours on 11 Mar 2005. You may consult civilian counsel at your own expense.
5. You have the right to submit statements in your own behalf. Any statements you want the separation authority to consider must reach me by 1530 hours on 15 Mar 2005 unless you request and receive an extension for good cause shown. I will send them to the separation authority.
6. If you fail to consult counsel or to submit statements in your own behalf, your failure will constitute a waiver of your right to do so.
7. You have been scheduled for a medical examination. You must report to the 1st Medical Group, Physical Exam Section at 0800 hours on 14 Mar 2005 and an additional examination will be scheduled if necessary.
8. Any personal information you furnish in rebuttal is covered by the Privacy Act of 1974. A copy of AFI 36-3208 is available for your use in the unit orderly room.
9. Execute the attached acknowledgment and return it to me immediately.



Commander, 1 CS

Attachments:

1. Supporting Documents
 - 1a. UIF Action, 18 Feb 05
 - 1b. LOR, 8 Feb 05
 - 1c. UIF Action, 24 Aug 04
 - 1d. LOR, 24 Aug 04
 - 1e. UIF Action, 13 Aug 04
 - 1f. LOR, 10 Aug 04
 - 1g. LOA, 28 Jul 04

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- 1h. LOC, 22 Jul 04
- li. LOC, 6 Jan 04
2. Receipt of Notification Memorandum

4. BASIS ADVANCED FOR REVIEW: Appln (DD Fm 293) dtd 31 Dec 05.
(Change Discharge to Honorable)

ISSUES ATTACHED TO BRIEF.

ATCH

1. Applicant's Issues.
2. DD Form 149.
3. Certificate of Completion.
4. College Acceptance Letter.

30MAR06/ia